

Message Text

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PAGE 01 NEW DE 06464 251207Z
ACTION OES-07

INFO OCT-01 NEA-10 ISO-00 NSCE-00 SSO-00 ACDA-12
CIAE-00 INR-10 IO-13 L-03 NSAE-00 EB-08 NRC-05
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FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC IMMEDIATE 1167
INFO AMCONSUL BOMBAY IMMEDIATE

C O N F I D E N T I A L NEW DELHI 6464

E.O. 11652: GDS
TAGS: MNUC, TECH, IN
SUBJECT: INDO-US NUCLEAR COOPERATION AGREEMENT AND CONTRACT

1. A PARTICULAR ASPECT OF THE NUCLEAR SUPPLY PROBLEM ON WHICH WE MUCH NEED HELP IS THE LEGAL SITUATION. THE DEPARTMENT WILL HAVE NOTED THAT MORARJI IN HIS STATEMENTS TO PARLIAMENT HAS AGAIN CHALLENGED OUR LEGAL RIGHT TO SUSPEND, OR EVEN DELAY, THE REGULAR PROCESS OF SUPPLYING ENRICHED URANIUM FOR WHICH WE CONTRACTED IN 1966.

2. WE DO NOT KNOW HOW FAR THE GOI WILL PUSH THIS ARGUMENT. AS LONG AS MORARJI HAS CONFIDENCE IN THE PRESIDENT'S ABILITY TO KEEP THE SUPPLY GOING, WHILE THE LARGER NON-PROLIFERATION ISSUES ARE BEING PURSUED, THE INDIANS PROBABLY WONT PRESS IT TO THE POINT OF RAISING AN OFFICIAL LEGAL CHALLENGE. BUT HERE ON THE FIRING LINE, IT WOULD HELP US TO HAVE SOME AUTHORITATIVE RESPONSE ON THE LEGALITY OF A POSSIBLE U.S. ABROGATION OF ITS 1963 AGREEMENT FOR COOPERATION AND ITS 1966 CONTRACT WITH INDIA ON THE GROUNDS THAT THERE IS NOW A NEW U.S. LAW. OUR NOT VERY WELL INFORMED ASSERTIONS OF LEGALITY DRAW INCREASINGLY SKEPTICAL LOOKS AND COMMENTS
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Message Attributes

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